

### **REMARKS**

In the final Office Action mailed November 26, 2007 (hereinafter, "Office Action"), the Examiner rejected claims 1-3, 5-24, and 28-31 as being unpatentable over U.S. Patent Application Publication No. 2004/0046789 of Inanoria (hereinafter, "*Inanoria*") in view of U.S. Patent Application Publication No. 2003/0225829 of Pena et al. (hereinafter, "*Pena*"), the document entitled "Information Visualisation Using Composable Layouts and Visual Sets," authored by Tim Pattison et al. (hereinafter, "*Pattison*"), and "Handling Multiple Domain Objects with Model-View-Controller," authored by Michael J. Mahemoff et al. (hereinafter, "*Mahemoff*").

By this response, Applicants have amended independent claims 1 and 16, for reasons unrelated to patentability. Claims 4, 25, 26, and 27 have been previously canceled. Accordingly, claims 1-3, 5-24, and 28-31 remain pending.

Applicants respectfully traverse the rejection under 35 U.S.C. § 103(a), and request timely allowance of claims 1-3, 5-24, and 28-31.

#### **I. Examiner's Response to Arguments**

At least because the Examiner failed to fully respond to Applicants' arguments set forth in the Reply to Office Action filed on September 13, 2007, Applicants respectfully request that the Examiner withdraw the Finality of the Office Action. In the section entitled "*Response to Arguments*," the Examiner states that "Applicant's arguments with respect to [the] claims have been considered but are moot in view of the new ground(s) of rejection." Office Action, p. 2. In particular, the Examiner asserts that "Applicant's arguments concerning the rejection of the claims under 35 USC § 103(a)

appear to be primarily directed to the newly amended claim language.” *Id.* Further, “[n]ew rejections citing a new reference have been set forth below to address the amended claim language.” *Id.*

However, the *M.P.E.P.* specifically states that “[i]t is improper to combine references where the references teach away from their combination.” *M.P.E.P.* § 2145(D)(2) (citing *in re Grasselli*) (emphasis added). As Applicants noted in their previous response, the primary reference used by the Examiner, *Inanoria*, teaches away from “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1. Ignoring this fundamental failure of *Inanoria* in combination with the other cited art is in violation of one of the foundational concepts of a rejection under § 103(a)

Because the Examiner has failed to consider Applicants’ arguments and, more specifically, has failed to consider that *Inanoria* teaches away from the aforementioned recitation, the finality of the Office Action is improper. Therefore, Applicants’ respectfully request that the Examiner withdraw the Finality of the Office Action and reissue a new Office Action, addressing the substance of Applicants’ arguments.

## **II. Claim Rejection Under 35 U.S.C. § 103(a)**

Applicants respectfully traverse the rejection of claims 1-3, 5-24, and 28-31 under 35 U.S.C. § 103(a) as being unpatentable over *Inanoria* in view of *Pena*, *Pattison*, and *Mahemoff*.

The key to supporting any rejection under 35 U.S.C. § 103(a) is the clear articulation of the reasons why the claimed invention would have been obvious. Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See *M.P.E.P.* § 2141, 8<sup>th</sup> Ed., Rev. 6 (Sept. 2007). “A conclusion of obviousness requires that the references relied upon be enabling in that it put the public in possession of the claimed invention.” *M.P.E.P.* § 2145. Furthermore, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art” at the time the invention was made. *M.P.E.P.* § 2143.01(III) (internal citations omitted). In addition, when “determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” *M.P.E.P.* § 2141.02(I) (internal citations omitted) (emphasis in original).

A *prima facie* case of obviousness has not been established because, among other things, none of the cited art, nor any obvious variant thereof, taken alone or in any reasonable combination, discloses or suggests each and every element of Applicants' claims. Specifically, neither *Inanoria*, nor *Pena*, nor *Pattison*, nor *Mahemoff* teach or suggest, *inter alia*, “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1, and similarly recited in independent claims 16, 28, 29, 30, and 31.

**A. *Inanoria***

*Inanoria* fails to teach or suggest “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1. Instead, *Inanoria* teaches “handling a rich set of GUI components without having to implement web applications development technologies.” *Inanoria*, Abstract. *Inanoria* further details the ineffectiveness of these development environments in delivering rich GUIs for web applications. *Id.* at ¶ [0007]. Instead of using the development environments and enabling a user to lay out one or more views for a user interface, *Inanoria* teaches using XUI technologies to create declarative-formatted (XML or XSL tag based) GUI components. *Id.* Examples of the declarative-formatted (XSL tag based) GUI components are shown throughout the specification of *Inanoria*. See e.g. ¶¶ [0104] and [0110].

In *Inanoria*, at runtime, “[u]pon receiving [an] HTTP request from [a] client user, [a] JSP file is invoked and a custom tag written in the file invokes the Controller.” *Id.* at ¶ [0128]. According to *Inanoria*, “[t]he Controller imports the template for and delegates control to the Layout Manager to parse and transform the markup information contained in the JSP file.” *Id.* “The Layout Manager then delegates control to the appropriate sub-template for the execution of the selected layout algorithm, which can then import the encapsulated CSS or JavaScript components. The Layout Manager uses one of the strongest attributes of an Object Oriented programming language wherein polymorphism is applied.” *Id.* Thus, prior to runtime, the GUI components in *Inanoria*

exist only as XSL tags, and the XSL tags must be processed by the Layout Manager at runtime upon receiving an HTTP request for generating views. Figure 8 of *Inanoria* depicts only these runtime views.

Moreover, not only does *Inanoria* fail to disclose “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” but in fact, *Inanoria* teaches away by explicitly enumerating the disadvantages of the non-declarative approach in laying out GUI components. *Id.* at ¶ [0008]. For example, *Inanoria* specifically notes that “GUI data is normally bound or coupled with the GUI logic which normally makes the reuse of these GUI objects very difficult especially when working with multibehavioral or multi-modal pages.” *Id.*

Accordingly, neither *Inanoria*, nor any obvious variant thereof, teaches or suggests at least the above-noted elements of independent claim 1. For at least this reason, the Examiner has not established a *prima facie* case of obviousness regarding independent claim 1. Accordingly, the rejection of independent claim 1 under 35 U.S.C. § 103(a) is improper, should be withdrawn, and the claim allowed. Claims 2, 3, and 5-15 are also nonobvious at least because of their dependence from nonobvious independent claim 1.

Independent claims 16 and 28-31, although of different scope, recite subject matter similar to that of independent claim 1. For at least the same reason as set forth above in connection with independent claim 1, the cited reference cannot support a rejection of claims 16 and 28-31 under 35 U.S.C. § 103(a), and claims 16 and 28-31

should be allowable over *Inanoria*. Claims 17-24 are nonobvious at least because of their dependence from nonobvious independent claim 16.

**B. *Inanoria* and *Pena***

*Pena* fails to overcome the deficiencies of *Inanoria* set forth above, including the failure of *Inanoria* to teach or suggest, *inter alia*, “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1.

First, as noted above, “[i]t is improper to combine references where the references teach away from their combination.” *M.P.E.P.* § 2145(D)(2) (citing *in re Grasselli*) (emphasis added). Thus, the combination of *Pena* with *Inanoria* is improper at least because *Inanoria* **teaches away from** “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1.

Second, *Pena* is directed to a system and method for platform and language-independent delivery of page-based content. *Pena*, Abstract. According to the Examiner, *Pena* allegedly discloses “the use of a link for action transitions among page views.” Office Action, p. 4. Thus, at most, *Pena* teaches navigation links and even if the Examiner’s allegations were true, *Pena* fails to teach or suggest “enabling a user to lay out one or more views for a user interface including allowing the user to select one

or more user interface elements from a set of user interface elements for each of the one or more views," as recited in independent claim 1.

Accordingly, neither *Inanoria*, nor *Pena*, taken alone or in any reasonable combination, teach or suggest at least the above-noted elements of independent claim 1. For at least this reason, the Examiner has not established a *prima facie* case of obviousness regarding independent claim 1. Accordingly, the rejection of independent claim 1 under 35 U.S.C. § 103(a) is improper, should be withdrawn, and the claim allowed. Claims 2, 3, and 5-15 are also nonobvious at least because of their dependence from nonobvious independent claim 1.

Independent claims 16 and 28-31, although of different scope, recite subject matter similar to that of independent claim 1. For at least the same reason as set forth above in connection with independent claim 1, the cited references cannot support a rejection of claims 16 and 28-31 under 35 U.S.C. § 103(a), and claims 16 and 28-31 should be allowable over *Inanoria* and *Pena*. Claims 17-24 are also nonobvious at least because of their dependence from nonobvious independent claim 16.

**C. *Inanoria*, *Pena*, and *Pattison***

*Pattison* fails to overcome the deficiencies of *Inanoria* and *Pena* set forth above, including the failure of *Inanoria* and *Pena* to teach or suggest, *inter alia*, "enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views," as recited in independent claim 1.

First, as noted above, “[i]t is improper to combine references where the references teach away from their combination.” *M.P.E.P.* § 2145(D)(2) (citing *in re Grasselli*) (emphasis added). Thus, the combination of *Pattison* with *Inanoria* and *Pena* is improper at least because *Inanoria* teaches away from “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1.

Second, *Pattison* discloses “the application of graph drawing and information visualisation techniques to the visualisation of information which can be modelled as an attributed graph.” *Pattison*, Abstract. According to *Pattison*, “[t]he heirarchy of containers can be modelled as a *layout composition tree* . . . .” *Id.* at Section 3.2.1. “Each node of the tree specifies a *layout rule*, which dictates the appearance of the corresponding container and the layout of its contents.” *Id.*

In *Pattison*, “[t]he layout composition specification editor shown in Figure 2 consists of the layout composition tree (left) and the *layout rule customiser* (right). Each node in the tree contains a layout rule for the corresponding container, the details of which are specified in the right-hand panel of Figure 2.” *Id.* “The layout of the contents of a container is determined by a *layout strategy*, which is selected by choosing a tab in the layout rule customiser shown at right in Figure 2.” *Id.* at Section 3.2.2.

Thus, *Pattison* does not teach or suggest “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more



views,” as recited in independent claim 1. Instead, *Pattison* allows a user to select a layout for the visualization of data (e.g., graph, attribute, or blind).

Moreover, *Pattison* teaches visualization techniques, and the disclosed embodiments demonstrate the various techniques and layouts for the visualization of data. Thus, Figure 2 of *Pattison* does not teach or suggest “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1. Instead, Figure 2 of *Pattison* is the user interface for the presentation of data to a user via one of the selected layouts.

Accordingly, neither *Inanoria*, nor *Pena*, nor *Pattison* taken alone or in any reasonable combination, disclose or suggest at least the above-noted elements of independent claim 1. For at least this reason, the Examiner has not established a *prima facie* case of obviousness regarding independent claim 1. Accordingly, the rejection of independent claim 1 under 35 U.S.C. § 103(a) is improper, should be withdrawn, and the claim allowed. Claims 2, 3 and 5-15 are also nonobvious at least because of their dependence from nonobvious independent claim 1.

Independent claims 16 and 28-31, although of different scope, recite subject matter similar to that of independent claim 1. For at least the same reason as set forth above in connection with independent claim 1, the cited references cannot support a rejection of claims 16 and 28-31 under 35 U.S.C. § 103(a), and claims 16 and 28-31 should be allowable over *Inanoria*, *Pena*, and *Pattison*. Claims 17-24 are also

nonobvious at least because of their dependence from nonobvious independent claim 16.

**D. *Inanoria, Pena, Pattison, and Mahemoff***

*Mahemoff* fails to overcome the deficiencies of *Inanoria, Pena, and Pattison* set forth above including the failure of *Inanoria, Pena, and Pattison* to teach or suggest, *inter alia*, “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1.

As noted above, “[i]t is improper to combine references where the references teach away from their combination.” *M.P.E.P.* § 2145(D)(2) (citing *in re Grasselli*) (emphasis added). Thus, the combination of *Mahemoff* with *Inanoria, Pena, and Pattison* is improper at least because *Inanoria* **teaches away from** “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1.

Furthermore, *Mahemoff* fails to teach or suggest “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1. Indeed, contrary to the Examiner’s apparent assertion on page 2 of the Office Action, that the “new reference [has] been set forth [ ]

to address the amended claim language,” the statements in Mahemoff are vague and inapplicable.

For example, *Mahemoff* states that “[r]eusability was one of the benefits touted for MVC a few years ago, but this referred to buttons, pop-up menus, and so on . . . [and] [t]hese are widgets provided by most modern toolkits” *Mahemoff*, Section 3.3. These statements do not teach or suggest, *inter alia*, “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1. Instead, it is merely stating that widgets, buttons and pop-up menus, are available in most toolkits.

Accordingly, neither *Inanoria*, nor *Pena*, nor *Pattison*, nor *Mahemoff* taken alone or in any reasonable combination, disclose or suggest at least the above-noted elements of independent claim 1. For at least this reason, the Examiner has not established a *prima facie* case of obviousness regarding independent claim 1. Accordingly, the rejection of independent claim 1 under 35 U.S.C. § 103(a) is improper, should be withdrawn, and the claim allowed. Claims 2, 3 and 5-15 are also nonobvious at least because of their dependence from nonobvious independent claim 1.

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also nonobvious at least because of their dependence from nonobvious independent claim 16.

### **III. Conclusion**

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-3, 5-24, and 28-31 in condition for allowance. Applicant submits that the proposed amendments of claims 1 and 16 are made for reasons unrelated to patentability and do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.


In addition, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statements are identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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